

EXHIBIT N

Rough - Bruce K. Green

Page 1

VIDEO OPERATOR: We are on the record. The time now is 9:16. This marks the beginning of Disk Number 1 for the videotaped deposition testimony of Bruce Green in the matter of in re: MTBE Products Liability Litigation.

This case is pending in the United States District Court, the Southern District of New York, Master File Number 1:00-1898. Today's date is November the 7th, 2013. This deposition is being conducted at 1299 Pennsylvania Avenue, Northwest, Washington, D.C.

Counsel in attendance will be noted on the steno record. My name is Michael Gay. I'm with Golkow Technologies. Our court reporter today is Rosemary Locklear, also with Golkow Technologies, and will now swear in our witness.

BRUCE K. GREEN, having been duly sworn, was examined and testified

Rough - Bruce K. Green

Page 30

1 Q. And there are other copies
2 available here if anybody wants one, there's a
3 copy. Everybody has one, I take it.

4 Prior to appearing here today
5 to testify, had you seen a copy of the
6 document marked as Exhibit Number 1?

7 A. Yes, sir.

8 Q. And with respect to Exhibit Number
9 1, did you speak to James J. Malot, M-A-L-O-T,
10 to assist you in testifying concerning the
11 designated issues identified in Exhibit Number
12 1?

13 A. No.

14 Q. Do you know who Mr. Malot is?

15 A. No.

16 Q. Did you speak to Mr. Roberto Ayala
17 to assist you in giving testimony concerning
18 designated issues identified in Exhibit Number
19 1?

20 A. No.

21 Q. Do you know who Mr. Ayala is?

22 A. Yes, I do.

23 Q. And what is your understanding
24 from Mr. Ayala?

Rough - Bruce K. Green

Page 31

1 A. Mr. --

2 Q. Was in terms of his service?

3 A. Among other positions he's had,
4 the one that I know he filled in recent years
5 was the director of the water quality area at
6 the Environmental Quality Board in Puerto
7 Rico.

8 Q. Did you review any of the
9 depositions of Mr. Ayala taken in this case?

10 A. Yes, I did.

11 Q. And when you reviewed Mr. Ayala's
12 deposition did you review excerpts pour the
13 entire text?

14 A. The entire text.

15 Q. And did you read it or did you
16 simply skim it?

17 A. I read it.

18 Q. With regard to Exhibit Number 1,
19 did you speak to Miguel Maldonado in order to
20 prepare to give testimony here today?

21 A. No.

22 Q. Have you reviewed his deposition?

23 A. Yes.

24 Q. And which of the depositions of

Rough - Bruce K. Green

Page 32

1 Mr. Maldonado did you review in order to give
2 testimony here today regarding the designated
3 topics in Exhibit Number 1?

4 A. I read a recent rough draft that I
5 assume is his last, latest deposition, and
6 then I believe it was the previous one before
7 that.

8 Q. Did you speak with Aissa,
9 A-I-S-S-A, Colon in order to prepare to give
10 testimony concerning the designated topics in
11 Exhibit Number 1?

12 A. No.

13 Q. Did you speak to Katherine Batista
14 in order to assist you in giving testimony
15 relative to the designated topics in Exhibit
16 Number 1?

17 A. No.

18 Q. At any point in time did you speak
19 to a Mr. Hector Arroyo, ARROYO, in order to
20 assist you in giving testimony relative to
21 Exhibit Number 1?

22 A. No.

23 Q. Did you ever speak to /THO*PL
24 Rivera from the EQB relative to Exhibit Number

Rough - Bruce K. Green

Page 33

1 1, the designated topics for which you're
2 testifying here today?

3 A. No.

4 Q. Did you ever speak to Dr. Yvonne
5 Santiago relative to preparing to give
6 testimony regarding the designated topics in
7 Exhibit Number 1?

8 A. No.

9 Q. Did you speak to Wanda Garcia in
10 order to assist you in giving testimony
11 concerning the topics identified in Exhibit
12 Number 1?

13 A. No.

14 Q. Did you speak to he have /TPRAEUPB
15 act cost /STA with respect to giving testimony
16 about the designated topics in Exhibit Number
17 1?

18 A. No.

19 Q. Did you speak to anyone from PRASA
20 relative to giving testimony concerning the
21 designated topics in Exhibit Number 1?

22 A. No.

23 Q. Did you speak to anyone from the
24 EQB relative to giving testimony about the

Rough - Bruce K. Green

Page 34

1 designated topics in Exhibit Number 1?

2 A. No.

3 Q. Did you speak to anyone from the
4 DENR of the Commonwealth of Puerto Rico in
5 order to assist you in giving testimony
6 concerning the topics identified in Exhibit
7 Number 1?

8 A. No.

9 Q. Did you speak to anyone at all to
10 assist you in giving testimony relative to the
11 topics identified in Exhibit Number 1?

12 A. Yes.

13 Q. And to whom did you speak?

14 A. I spoke with counsel and their
15 staff.

16 Q. And by counsel, you mean who?

17 A. Attorney Dema, Attorney Kauff,
18 Attorney Short, attorney arraign /TPHUS.

19 Q. Other than counsel, did you speak
20 to any current or former employees of any
21 agency of the Commonwealth of Puerto Rico
22 relative to obtaining information to assist
23 you in giving testimony regarding the
24 designated topics in Exhibit Number 1?

Rough - Bruce K. Green

Page 35

1 A. No.

2 Q. When you spoke to Attorneys Dema,
3 Kauff, Short and arena, were all of you
4 together at one time on the phone or in a
5 room?

6 A. No.

7 Q. I take it that you've spoken to
8 counsel, then, at various times in various
9 settings, the gentlemen you identified?

10 A. Yes, sir.

11 Q. And with regard to Mr. Dema, did
12 Mr. Dema provide you with any E-mail
13 communications relative to appearing to
14 testify here today?

15 A. Could you -- could you rephrase
16 that?

17 Q. Yes.

18 A. I'm not quite sure I understand.

19 Q. Did Mr. Dema send you any E-mails
20 relative to your appearance to testify here
21 today relative to the designated topics in
22 Exhibit Number 1?

23 MR. DEMA: Just for the record,
24 I'll object to form since I simply

Rough - Bruce K. Green

Page 39

1 reviewed, have you identified by date and
2 subject the E-mails that were sent to you by
3 Mr. Dema?

4 A. No.

5 Q. How many E-mails did you receive
6 from Mr. Kauff relating to this deposition?

7 A. I'd say about the same, half a
8 dozen.

9 Q. Did you receive any E-mails
10 directly from Nathan short relative to this
11 deposition?

12 A. Yes.

13 Q. How many?

14 A. I would say eight or ten.

15 Q. And I believe you said the other
16 individual was Mr. Arenas?

17 A. Yes, sir.

18 Q. And how many E-mails have you
19 received from Mr. Arenas relative to this
20 deposition?

21 A. Probably about the same. Maybe
22 ten.

23 Q. With regard to the documents that
24 were identified in Exhibit Number 2, were

Rough - Bruce K. Green

Page 40

1 those documents provided to you by counsel?

2 A. The documents were provided to me
3 by counsel, except for research that I
4 conducted during my preparation. For example,
5 some of these links to the EPA Websites or the
6 USGS Websites.

7 Q. And which of the links to the web
8 sites identified in Exhibit Number 2 are links
9 which you've personally researched to give
10 testimony here today?

11 A. The -- I'm going to read this in
12 Spanish, ma'am, if that's okay, the pro /SED
13 meant toes axe Joan I don't say Y recollect
14 meant tows paraseat knee permanent /TPHAPBT
15 tea Dee systems /PHAOEZ Dee tank tacks, the
16 /AL /SEUPL might setter record dose. That is
17 the -- the guidelines in May '11.

18 Q. And you obtained that on a Website
19 on your own?

20 A. Uh-huh. Yes, ma'am.

21 Q. That --

22 A. Yes, sir. I'm sorry. You're
23 right. Yes. Yes, I did.

24 Q. Okay. See? It does happen?

Rough - Bruce K. Green

Page 50

1 so depending on time of day, who was available
2 to speak to and the ongoing discussions about
3 preparing myself for the deposition and one of
4 the attorneys perhaps would give me a document
5 if they were otherwise occupied or not, they
6 would refer me to another. But I can't
7 really -- I'm not going to be able to tell you
8 exactly who sent me what document.

9 Q. With regard to the documents that
10 are identified on Exhibit Number 2, did you
11 specifically request the materials that are
12 identified under the heading Bates ranges?

13 A. I requested information on topics
14 and counsel and their staffs supplied me with
15 those documents that were responsive to those
16 topics.

17 Q. And what topics did you identify
18 for which you wanted documents provided to you
19 by counsel? And if it's as easy as looking at
20 Exhibit Number 1, we can do that.

21 A. It's as easy as that.

22 Q. So I take it then you would go to
23 counsel and say, can you give me documents
24 indicating, for example, the date and manner

Rough - Bruce K. Green

Page 51

1 by which plaintiffs first became aware that
2 MTBE was present in certain gasolines supplied
3 to or within the Commonwealth of Puerto Rico?

4 A. That's correct.

5 Q. At any point in time were you
6 provided with access to a database which
7 included all of the documents that were
8 produced by the Commonwealth of Puerto Rico in
9 this case where you could search yourself and
10 undertake an inquiry to find out whether there
11 were documents responsive to the designated
12 issues?

13 A. I did not have access but my
14 understanding is that's what the lawyers did.

15 Q. And with respect to the various
16 topics that are identified in Exhibit Number
17 1, did you rely exclusively on counsel to
18 conduct searches and provide you with
19 documents which were related to assisting you
20 in preparing to testify about these designated
21 issues?

22 A. Well, as the preparation
23 proceeded, of course, I would read the
24 documents, it would bring questions to my

Rough - Bruce K. Green

Page 52

1 mind. And as I stated earlier, I looked on
2 the Web sites and did some additional research
3 on these topics. So it was an ongoing process
4 where there was a back and forth between
5 counsel and staff and me, which, as
6 discussions do, may lead to counsel providing
7 me with additional documents.

8 MR. DEMA: And just for the
9 record, since Mr. Stack, you're using
10 the word you, to Mr. Green as a
11 30(b)(6) witness, the Notice, which is
12 Exhibit 1, has you defined and
13 plaintiffs defined as including, for
14 example, PRASA, PRASA is not a
15 plaintiff. We have objected and we've
16 served our objections to you. The
17 only you in this case refers to the
18 plaintiffs and Mr. Green in
19 representing the plaintiffs as an
20 offered 30(b)(6) witness and Mr. Green
21 will not be testifying to you as
22 defined by the defendants in their
23 Notice and he will not be testifying
24 as to plaintiffs as defined by

Rough - Bruce K. Green

Page 96

1 the document that was attached to the letter
2 to Mr. Ayala in June of 1997; am I correct?

3 A. You are correct.

4 Q. And with regard to the information
5 that you obtained to prepare to give testimony
6 here today, did you discuss with anyone other
7 than counsel whether the Commonwealth had
8 information pertaining to the characteristics
9 of MTBE in 1997?

10 A. Well, first of all, just one
11 comment, although this letter is addressed to
12 Mr. Ayala, it wasn't Bates stamped as received
13 so, yes, it was addressed. I can't verify
14 that Mr. Ayala actually received this or EQB
15 did but that's just a statement from the
16 previous question.

17 Q. Is it your contention that the
18 letter that has been marked from Terra Vac was
19 never received by EQB?

20 A. No.

21 MR. DEMA: Objection.

22 Objection. Misstates the testimony.

23 BY MR. STACK:

24 Q. Did -- did you make an inquiry of

Rough - Bruce K. Green

Page 97

1 anyone other than counsel to determine whether
2 or not the EQB had an understanding relative
3 to the characteristics of MTBE prior to 1998?

4 A. Would you mind repeating the
5 question?

6 MR. STACK: I'll ask the court
7 reporter to read it back.

8 (The court reporter read the
9 requested portion of the record.)

10 THE WITNESS: The -- the
11 counsel provided me with all relevant
12 documents for each specific topic so
13 I -- but I did not speak to anyone at
14 EQB personally.

15 MR. STACK: I will ask the
16 court reporter to mark another
17 document as Exhibit Number 17.

18 (Exhibit Knowledge- was marked
19 for identification.) 17.

20 BY MR. STACK:

21 Q. Exhibit Number 17 is a document
22 entitled cleanup of releases from petroleum
23 underground storage tanks, selected
24 technologies. It's dated April 1988. It's

Rough - Bruce K. Green

Page 137

1 the question?

2 BY MR. STACK:

3 Q. Did you speak to Louise rod rod or
4 /HOR hey Sanchez from the might go guesses
5 regional office to learn what they may have
6 learned in attending a seminar in July of 1999
7 from EPA regarding MTBE?

8 MR. DEMA: The same objection.

9 THE WITNESS: Well, in -- in
10 reviewing the records, there's no
11 record of who attended this so all I
12 can say, these people were invited but
13 reading depositions from various
14 employees of EQB, those people cannot
15 recall who attended or they said they
16 did not attend.

17 BY MR. STACK:

18 Q. You have a list of 28 individuals
19 who were identified as being people who were
20 either going to attend or were being invited
21 to attend. Did you reach out and try to talk
22 to any of these individuals identified on
23 Bates Page 1436, included as part of Exhibit
24 Number 23, to find out what information was

Rough - Bruce K. Green

Page 138

1 conveyed to them by the EPA at a seminar
2 concerning MTBE in July of 1999, if they
3 attended?

4 MR. DEMA: Objection. Form.
5 Foundation, the question assumes facts
6 not in evidence.

7 MR. STACK: May he answer?

8 MR. DEMA: Of course.

9 THE WITNESS: The documents I
10 reviewed were to see if there was any
11 documentation at EQB regarding this
12 seminar. I reviewed the deposition of
13 directors and -- and supervisors at
14 the EQB who were questioned about this
15 and based on their -- their
16 conversations, their -- their
17 testimony, no one could remember
18 anything about that seminar or had any
19 information on it.

20 BY MR. STACK:

21 Q. Apart from reviewing the materials
22 you've just referred to in answering the prior
23 question, did you make any effort to talk to
24 any of the people identified in Exhibit Number

Rough - Bruce K. Green

Page 139

1 23 as having been invited to attend the
2 seminar by EPA in July of 1999?

3 A. I did not speak to anyone directly
4 on this list.

5 Q. Did you make any inquiry to find
6 out where information provided to EQB from the
7 EPA may have been kept in the EQB offices?

8 MR. DEMA: Objection.
9 Foundation.

10 THE WITNESS: All information
11 relevant to MTBE present at the agency
12 has been reviewed and scanned and
13 produced, whether it's electronic or
14 hard-copy format, and that would
15 include all locations where this
16 information would be stored, so to the
17 extent that there was no documentation
18 other than what is on this exhibit,
19 the search for that information was
20 complete and exhaustive.

21 BY MR. STACK:

22 Q. Did you personally undertake the
23 efforts to search for documents that were
24 responsive to the Requests for Production of

Rough - Bruce K. Green

Page 1

VIDEO OPERATOR: We are back on the record. The time now is 8:37.

Today's date is November the 8th, 2013. This marked the beginning of Disk Number 1, Volume 2, for the continuation of the deposition of Bruce Green.

Mr. Green, sir, I remind you that you're still under oath.

THE WITNESS: Yes. Thank you.

VIDEO OPERATOR: You may proceed.

EXAMINATION (Continued)

BY MR. STACK:

Q. Good morning, Mr. Green.

A. Good morning.

MR. STACK: I would like to ask the court reporter to mark a document as Exhibit 39.

(Exhibit Knowledge- was marked for identification.) 39.

BY MR. STACK:

Q. This document is an inventory of toxic emissions under SARA Title III, Section

Rough - Bruce K. Green

Page 185

1 foundation.

2 THE WITNESS: I'm sorry. I'm
3 having a little trouble understanding
4 what you're asking me.

5 BY MS. MEYER:

6 Q. I'm asking you if -- let me
7 rephrase it.

8 A. Yes, ma'am.

9 Q. I'm asking you if you're prepared
10 today to testify about what the Commonwealth
11 learn about MTBE during the July 1999
12 conference?

13 A. No.

14 Q. Presented by EPA?

15 A. I'm not. Because there was no
16 information available on this and the
17 deposition testimony, when asked by
18 defendants, was that people did not remember
19 or have that information. So I was not able
20 to review any presentation material that may
21 or may not have been presented during July.

22 Q. Okay. Are you familiar with which
23 areas in the United States were part of the
24 reformulated gasoline or oxygenated fuels

Rough - Bruce K. Green

Page 304

1 deposition.

2 MR. DEMA: Right. And Exhibit
3 63, for the record, is a FOIA request
4 which counsel introduced and said she
5 had not gotten moments before from the
6 EPA and it had nothing to do with what
7 he reviewed, it was outside his scope
8 and if you're going to keep this --
9 any deposition open any time a new
10 document is found, the case would
11 never end. The depositions would
12 never end.

13 MR. STACK: We understand
14 what --

15 MR. DEMA: We'll keep every
16 Esso deposition open, we'll keep every
17 Texaco deposition open. It gets from
18 the sublime to the ridiculous. So if
19 anyone wants to keep this open, pleads
20 address judge shin line because that's
21 the only way it's going to happen.

22 MR. STACK: We will make one
23 point clear. Exhibit Number 63 is
24 essential to some of the most